

REMARKS

The undersigned submits this paper supplemental to the Reply previously filed on November 18, 2008. Applicant submits this paper in response to the telephone conference initiated by Examiner Niquette on January 28, 2008.

Claims 1 through 8 are pending in the present application. Applicant proposes amending claims 1 through 8 and adding new claims 9 through 16.

All claims stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent publication 20020019795 (hereinafter “Madoff”). Reconsideration is respectfully requested in view of the above-referenced amendments and the following response.

Telephonic Discussion

The undersigned wishes to thank Examiner Niquette for the telephone call of January 28, 2009. During that telephone conference, and a subsequent conference on January 29, 2009, the Examiner suggested a further amendment to claim 6. Applicants suggested adding additional dependent claims 10 through 16. This paper is consistent with those discussions.

Claim for Priority

The Office has acknowledged that the present application is a filing under 35 U.S.C. § 371 of Patent Cooperation Treaty application PCT/IB03/05680 filed on December 5, 2003. Applicant notes that this PCT application claims priority to French patent application 0215460 filed on December 6, 2002. Applicant proposes amending the specification to recite this claim for priority.

Drawings

The Office objects to Figure 2 for including reference numeral “18” that is allegedly not explicitly mentioned in the detailed description. Applicant proposes amending the third full paragraph on page 6 to make reference to reference numeral 18.

Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent publication 20020019795 (hereinafter “Madoff”). Reconsideration is respectfully requested.

Applicants have noted that:

[f]inancial products, and in particular derivative products, are subject to very strict regulation that requires financial establishments and commercial enterprises using them to price them as a function of a certain number of hypotheses, involving variables arising from the characteristics of the products in question and variables arising from the financial markets to which these products belong. These prices must be calculated for the purposes of valuation and also so that they can be incorporated into the required Financial Risk reports, in particular the VaR (Value at Risk). These "pricing" calculations must be updated very frequently--usually daily--which involves very cumbersome data processing.

In addition, many new financial products appear regularly. The analysis of each new product in order to calculate the price, the VaR, etc., is very cumbersome work, and most often requires developing a specific pricing model. This model is then integrated into the information processing systems used for the examination, processing, valuation, and calculation of risks. These systems are often different.
(Specification at p.1, ¶ 2, 3).

Applicant has disclosed systems and methods for pricing financial products.

Amended claim 1 recites:

A financial product pricing system, comprising:
a computer interface for receiving into the system data that identify and describe the product, the data comprising: contextual data of the product, the **contextual data indicating market variables involved in product pricing and used for selecting a market hypothesis for pricing the product**, the contextual data comprising at least one valuation currency and at least one underlying instrument; and **characteristic data of the product comprising a set of events and flows associated with the product;**
a data processor adapted for:
generating a planned schedule from the data that identify and describe the product, the planned schedule comprising for each of a plurality of dates

at least one of an event or flow relating to the product;

interpreting the schedule, in order to generate: a table of variables for the product on the basis of at least one of the events or flows, and for each date of the planned schedule, a function for calculating the product price as a function of at least one of the product variables;

receiving a list of market variables associated with the product and generated by a market analysis, the market variables identified for each of the plurality of dates used in pricing the product; and

calculating using the market variables, for each of a plurality of market scenarios and for each of the plurality of dates, product variable values; and

calculating a product price as a function of the calculated product variable values.

In order for a reference to anticipate this claim, the reference must disclose each and every element of the recited claim and disclose arranging the recited elements to form the recited combination. Applicant respectfully submits that Madoff does not disclose at least the emphasized claim elements and therefore cannot possibly teach the recited combination.

Madoff discloses a system relating “to determining an opening price in an automated trading system for trading products such as equity securities.” (Madoff at ¶ [0001]). Madoff notes that:

In any trading system or market, there exists the possibility that at the opening of trading, the volume of buy orders will not balance the volume of sell orders. This could occur for many reasons or for no apparent reason. For example, events may trigger buying or selling pressure in a particular security or the market in general. Also simple fluctuations in supply/demand could produce an imbalance at the opening. (Madoff at ¶ [0002]).

Accordingly, Madoff discloses a method of determining an opening price for a product traded in a trading system, the method include[ing] receiving orders for the product, each order specifying a quantity and whether the order is buy or sell order, determining an imbalance condition between received buy orders and received sell orders for the product and posting an allocation message to market maker participants to communicate an expected allocation of

the imbalance for execution at an initial opening of the market in the event that the imbalance exists at the opening. (Madoff at ¶ [0003]).

Thus, Madoff discloses a system for determining an opening trading price for a product based upon buy and sell orders and inputs regarding trading imbalances. In contrast with claim 1, Madoff does not disclose:

a computer interface for receiving into the system data that identify and describe the product, the data comprising: contextual data of the product, the contextual data indicating market variables involved in product pricing and used for selecting a market hypothesis for pricing the product, the contextual data comprising at least one valuation currency and at least one underlying instrument; and characteristic data of the product comprising a set of events and flows associated with the product.

Rather, Madoff discloses an interface for receiving orders into an auction system. (Madoff at ¶¶ [0014] – [0016]). Madoff also discloses that the interface may receive responses to the orders. (Madoff at ¶¶ [0014] – [0016]). But the auction system does not disclose or suggest, for example, “receiving . . . **characteristic data of the product comprising a set of events and flows associated with the product.**” Indeed, there is nothing in the referenced sections of Madoff, i.e., ¶¶ [0014] – [0016], that suggests data comprising “a set of events and flows associated with the product.” Applicant respectfully requests that should the Office maintain the rejection that it quote the specific language in Madoff that allegedly discloses the recited language.

In further distinction from claim 1, Madoff does not disclose

**a data processor adapted for:
generating a planned schedule from the data that
identify and describe the product, the planned schedule
comprising for each of a plurality of dates at least one of an event or flow relating to the product.**

The Office cites to a section of Madoff that discloses ranking pre-defined indications based on price improvement and time received. (Madoff at ¶ [0055]). Applicant respectfully submits that Madoff does not disclose “a planned schedule,” and certainly does not disclose “a planned schedule” comprising “for each of a plurality of dates at least one of an event or

flow relating to the product.” Applicant respectfully requests that should the Office maintain the rejection that it quote the specific language in Madoff that allegedly discloses the recited language.

Still further, in contrast to claim 1, Madoff does not disclose
a data processor adapted for:

. . .
interpreting the schedule, in order to generate: **a table of variables for the product on the basis of at least one of the events or flows, and for each date of the planned schedule, a function for calculating the product price as a function of at least one of the product variables.**

With respect to this claim language as well, the Office cites to a section of Madoff that discloses ranking pre-defined indications based on price improvement and time received. (Madoff at ¶ [0055]). Applicant respectfully submits that Madoff does not disclose “interpreting [a] schedule . . . to generate . . . **a table of variables for the product on the basis of at least one of the events or flows.**” Indeed, Madoff does not disclose generating “a table of variables” at all, and certainly not “on the basis of at least one of the events or flows.” Further, Madoff does not disclose or suggest “generat[ing]” “for each date of the planned schedule, **a function for calculating the product price as a function of at least one of the product variables.**” Applicant respectfully requests that should the Office maintain the rejection that it quote the specific language in Madoff that allegedly discloses the recited language.

Therefore, because Madoff does not disclose at least the above-emphasized claim language, it cannot possibly disclose or suggest the combination recited in claim 1. Accordingly claim 1 and the claims depending therefrom are not anticipated by Madoff. For similar reasons, claim 9 is not anticipated by Madoff.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

Conclusion

DOCKET NO.: SDS-0119
Application No.: 10/537,650
Office Action Dated: August 19, 2008

PATENT

Applicant respectfully submits that the present application is in condition for allowance. Early notification to this effect is requested. If the Examiner should have any questions regarding this response, the Examiner is invited to contact the undersigned attorney at (215) 568-3100.

Date: February 9, 2009

/John E. McGlynn/
John E. McGlynn
Registration No. 42,863

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439